

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PAUL MILLER, ET AL,
Plaintiff,

v.

CITY OF WACO, TEXAS, ET AL,
Defendants.

A-19-CV-00475-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 43. The report recommends that Defendants Frost and Schwartz's Motions to Dismiss (ECF No. 13); Defendants Abelino Reyna and McLennan County's Motion to Dismiss (ECF No. 14); and Defendants City of Waco, Brent Stroman, Manuel Chavez, Robert Lanning, Jeffrey Rogers, and Patrick Swanton's Motion to Dismiss (ECF No. 15); and the City of Waco's Supplement to its Motion to Dismiss (ECF No. 40) be **GRANTED in part** and **DENIED in part**. The report and recommendation was filed on July 24th, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

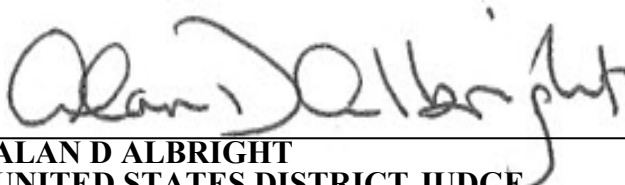
Defendant Abelino Reyna filed objections on July 24, 2024. ECF No. 44. Defendants Abelino Reyna and McClennan County then filed an amended objection on July 26, 2024. ECF No. 45. Defendant Manuel Chavez filed objections on July 26, 2024. ECF No. 46. Plaintiffs filed objections on August 9, 2024. ECF No. 49. The Court has conducted a *de novo* review of the Motion, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 43, is **ADOPTED**.

IT IS FURTHER ORDERED that the following claims are **DISMISSED**: Plaintiffs' Fourteenth Amendment claims against each Defendant; Plaintiffs' Fourth Amendment Malley claims against each Defendant; Plaintiffs' Fourth Amendment Franks claims against Stroman, Lanning, Swanton, Rogers, Frost, and Schwartz; Plaintiffs' conspiracy claims; Plaintiffs' claims against the City of Waco; and Plaintiffs' claims against the County.

IT IS FINALLY ORDERED that Defendants' Motions to Dismiss Plaintiffs' *Franks* claims against Reyna and Chavez be **DENIED**.

SIGNED this 28th day of August, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE